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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,208	11/04/2003	Kyung Sook Lee	2060-3-61	7113
35884 7590 05/28/2009 LEE, HONG, DEGERMAN, KANG & WAIMEY 660 S. FIGUEROA STREET Suite 2300 LOS ANGELES, CA 90017				
EXAMINER BALAONG, ARIEL A				
ART UNIT 2617		PAPER NUMBER		
NOTIFICATION DATE 05/28/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@lhlaw.com  
ip.lhlaw@gmail.com  
ip.lhlaw@live.com

### Office Action Summary

**Application No.**

10/702,208

**Applicant(s)**

LEE, KYUNG SOOK

**Examiner**

ARIEL BALAOING

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13, 21, 31 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13, 21, 31 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB088)
- Paper No(s)/Mail Date 04/24/2009
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/24/2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 13, 21, 31, and 41 rejected under 35 U.S.C. 103(a) as being unpatentable over LEE et al (US 2002/0051442 A1) in view of CHANDER et al (US 5,909,651).

Regarding claim 13, LEE discloses a system for communicating information (abstract; Figure 1, 2) comprising: a mobile communication network for transmitting a first information, a second information [**broadcast page**], and a broadcasting message [**broadcast message**] over a paging channel for a present paging period in a communication cycle (Figure 1) having a plurality of time slots (paragraph 6, 12-15; broadcast page message is used to *inform a mobile station that broadcast message is*

*transmitted to which location of a slot*, see paragraph 6, and 13), wherein the first information informs the arrival of the broadcasting message and the second information indicates a specified slot in said plurality of time slots in which a data burst message **S11, S21** containing the broadcast message is transmitted (paragraph 6, 12-15); and a mobile communication terminal [**mobile station**] for searching for the first and second information during the preset paging period with respect to the paging channel and determining a slot based on the first and second information, and receiving the data burst message including the broadcast message carried on the determined slot (paragraph 6, 12-15; mobile station determines whether to receive broadcast message using information provided by broadcast page; see paragraph 15. Also, see Figure 1 with regards to the broadcast page received in slot 0 to determine location of broadcast message). However, LEE does not expressly disclose wherein the network is a CDMA network; wherein the broadcast message is a broadcast short message; and wherein the second information is in a field for a broadcasting page of the general page message. In the same field of the endeavor, CHANDER discloses wherein the network is a CDMA network (abstract); wherein a broadcast message is a broadcast short message [**SMS message**] (abstract; col. 2, line 1-65); and wherein the second information is in a field for a broadcasting page of the general page message (abstract; Broadcast paging cycle index). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify LEE to include the teachings of CHANDER, since CHANDER states that such a modification would allow the load of a paging channel due to a broadcast service to be averaged uniformly over

all slots. Furthermore, the use of CDMA and short messages would be an obvious design choice based on an administrator preference and network protocol limitations.

Regarding claim 21, LEE discloses a method for transmitting a broadcasting message, the broadcasting message comprising text, from a mobile communication network (abstract; Figure 1, 2), the method comprising: transmitting a first information, a second information, and the broadcasting message in a general page message over a paging channel for a preset paging period in a communication cycle having a plurality of time slots, wherein the first information informs the arrival of the broadcasting message and the second information indicates position of a specified slot of the paging channel in said plurality of time slots (paragraph 6, 12-15; broadcast page message is used to *inform a mobile station that broadcast message is transmitted to which location of a slot*, see paragraph 6, and 13); and transmitting a data burst message through the specified slot in the communication cycle, wherein the data burst message includes the broadcasting message (paragraph 6, 12-15; mobile station determines weather to receive broadcast message using information provided by broadcast page; see paragraph 15. Also, see Figure 1 with regards to the broadcast page received in slot 0 to determine location of broadcast message). However, LEE does not expressly disclose wherein the network is a CDMA network; wherein the broadcast message is a broadcast short message; and wherein the second information is in a field for a broadcasting page of the general page message. In the same field of the endeavor, CHANDER discloses wherein the network is a CDMA network (abstract); wherein a broadcast message is a broadcast short message [**SMS message**] (abstract; col. 2, line

1-65); and wherein the second information is in a field for a broadcasting page of the general page message (abstract; Broadcast paging cycle index). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify LEE to include the teachings of CHANDER, since CHANDER states that such a modification would allow the load of a paging channel due to a broadcast service to be averaged uniformly over all slots. Furthermore, the use of CDMA and short messages would be an obvious design choice based on an administrator preference and network protocol limitations.

Regarding claim 31, LEE discloses a method for receiving a broadcasting message, the broadcasting message comprising text, at a mobile communication terminal from a mobile communication network (abstract; Figure 1, 2), the method comprising: receiving the general page message over a paging channel in accordance with a preset paging period (paragraph 6, 12-15); determining whether a first information and second information are included in the received general page message (paragraph 6, 12-15; broadcast page message is used to *inform a mobile station that broadcast message is transmitted to which location of a slot*, see paragraph 6, and 13); and if the first information and the second information are included in the general page message, receiving a data burst message in a time slot indicated by the second information (paragraph 6, 12-15), wherein the data burst message includes the broadcasting message (paragraph 6, 12-15; mobile station determines whether to receive broadcast message using information provided by broadcast page; see paragraph 15. Also, see Figure 1 with regards to the broadcast page received in slot 0

to determine location of broadcast message). However, LEE does not expressly disclose wherein the broadcast message is a broadcast short message. In the same field of the endeavor, CHANDER discloses wherein a broadcast message is a broadcast short message **[SMS message]** (abstract; col. 2, line 1-65). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify LEE to include a text broadcast message, such as an short message, as taught by CHANDER, since broadcasting short messages over a paging channel is well known and established in the art of wireless communication. However, LEE does not expressly disclose wherein the network is a CDMA network; wherein the broadcast message is a broadcast short message; and wherein the second information is in a field for a broadcasting page of the general page message. In the same field of the endeavor, CHANDER discloses wherein the network is a CDMA network (abstract); wherein a broadcast message is a broadcast short message **[SMS message]** (abstract; col. 2, line 1-65); and wherein the second information is in a field for a broadcasting page of the general page message (abstract; Broadcast paging cycle index). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify LEE to include the teachings of CHANDER, since CHANDER states that such a modification would allow the load of a paging channel due to a broadcast service to be averaged uniformly over all slots. Furthermore, the use of CDMA and short messages would be an obvious design choice based on an administrator preference and network protocol limitations.

Regarding claim 41, LEE discloses a mobile communication terminal for receiving a broadcasting message, the broadcasting message comprising text, from a mobile communication network (abstract; Figure 1 and 2) comprising: a search mechanism for searching a general page message including a first information and a second information for a preset paging period in a communication cycle having a plurality of time slots, wherein the first information informs the arrival of the broadcasting message and the second information indicates the position of a specified slot of the paging channel in said plurality of time slots (paragraph 6, 12-15; broadcast page message is used to *inform a mobile station that broadcast message is transmitted to which location of a slot*, see paragraph 6, and 13); and a retrieving mechanism for retrieving the broadcasting message from the specified slot based on the second information, wherein the general page message transmitted over a single paging channel, such that the apparatus searches for the first information and the second information in a single communication cycle (paragraph 6, 12-15; mobile station determines weather to receive broadcast message using information provided by broadcast page; see paragraph 15. Also, see Figure 1 with regards to the broadcast page received in slot 0 to determine location of broadcast message). However, LEE does not expressly disclose wherein the broadcast message is a broadcast short message. In the same field of the endeavor, CHANDER discloses wherein a broadcast message is a broadcast short message **[SMS message]** (abstract; col. 2, line 1-65). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify LEE to include a text broadcast message, such as an



short message, as taught by CHANDER, since broadcasting short messages over a paging channel is well known and established in the art of wireless communication. However, LEE does not expressly disclose wherein the network is a CDMA network; wherein the broadcast message is a broadcast short message; and wherein the second information is in a field for a broadcasting page of the general page message. In the same field of the endeavor, CHANDER discloses wherein the network is a CDMA network (abstract); wherein a broadcast message is a broadcast short message [**SMS message**] (abstract; col. 2, line 1-65); and wherein the second information is in a field for a broadcasting page of the general page message (abstract; Broadcast paging cycle index). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify LEE to include the teachings of CHANDER, since CHANDER states that such a modification would allow the load of a paging channel due to a broadcast service to be averaged uniformly over all slots. Furthermore, the use of CDMA and short messages would be an obvious design choice based on an administrator preference and network protocol limitations.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARIEL BALAOING whose telephone number is (571)272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Paul Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ariel Balaoing/  
Examiner, Art Unit 2617

/A. B./  
Examiner, Art Unit 2617